IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10985 OF 2026

Vaishali Digambar Khadke And Another .. Petitioners

Versus

The State Of Maharashtra
Through Principal Secretary And Others .. Respondents

Mr. S. S. Bora, Advocate h/f Mr. S. H. Tripathi, Advocate for Petitioners.
Mr. K. N. Lokhande, AGP for Respondent Nos. 1 & 2.
Mr. Mehul Navandar, Advocate for Respondent No. 5.

CORAM : KISHORE C. SANT AND
JITENDRA JAIN, JJ.

DATE : 06th OCTOBER, 2026.

PER COURT :-

1. Heard learned advocate for the petitioners, learned A.G.P. for the State and learned advocate for respondent No. 5.

2. This petition is filed seeking release of the land of the petitioners resorting to section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short “M.R.T.P. Act”). The scheme is finalized under the M.R.T.P. Act in the year 2002 wherein, the land of the petitioners in Gat No. 185/1/B admeasuring 1 H 26.86 R situated at Meharun, city of Jalgaon is

shown for playground and primary school. Since no steps were taken to acquire the land, the petitioners issued a notice dated 09.08.2024 to respondent Nos. 4 and 5 either to take steps to acquire the said land or to release the said land from the reservation. The respondents neither have taken any steps to acquire the land, nor have deleted the land from reservation.

3. The learned advocate Mr. Bora for the petitioners vehemently argued that, before the authorities there are to options either to take steps to acquire the land within two years from the date of receipt of notice or to release the land under section 127 of the M.R.T.P. Act.

4. The learned advocate Mr. Navandar for respondent No. 5 vehemently opposes the petition. He submits that the petitioners had issued one more notice on 30.10.2024 and the date of second notice needs to be considered. If that date is considered then the petition is premature as the period of two years from the date of second notice is not yet completed. He further submits that notice is not in format. The learned advocate has placed on record written instructions. The same are taken on record.

5. At this stage, learned advocate for the petitioners relies upon the judgment in the case of ***M/s. Eastern Machinery & Trading Company And Another Vs. Principal Secretary, Government of Maharashtra, Urban Land Development, Mantralaya, Mumbai and others*** in Writ Petition No. 5554 of 2023. This Court at Principal Seat has clearly held in paragraph No. 24 of the said judgment that section 127 of the M.R.T.P. Act provides only two limitations i.e. first that notice needs to be sent after 10 years of publication of final draft plan. Secondly, if no steps are taken for 24 months. The format of the notice is immaterial once the intention of the petitioners is clearly expressed in the notice. This Court finds that the petitioners have rightly relied upon this judgment. In the present case, the petitioners have clearly expressed, in notice dated 09.08.2024, that they are ready to give the land under acquisition and to accept the compensation. It is further made clear that, if no land is to be acquired, then they prayed for zone certificate.

6. This Court finds that, it is a notice under section 127 of the M.R.T.P. Act and there cannot be any doubt that merely because another notice was also issued on 30.10.2024. It cannot be said

that the limitation starts only from the date of second notice and would not start from earlier notice. It is not a case that after first notice again second notice is required. Once the notice is issued, the date of issuance of notice and the receipt of the same needs to be considered even for the purpose of limitation of 24 months.

7. Considering all above, this Court does not find any merit in the contentions of respondent Nos. 4 and 5. Consequently, the writ petition deserves to be allowed. The writ petition is allowed in terms of prayer clauses (B) and (C). The Government to publish the notification in the gazette within eight (08) months from today.

8. With this, the writ petition stands disposed of.

(JITENDRA JAIN, J.) **(KISHORE C. SANT, J.)**

P.S.B.